

REMARKS

AMENDMENT TO THE DRAWINGS

Applicants hereby submit replacement Figure 5H to address the changes made. Approval of the replacement by the Patent Office is requested.

Claims 1, 3-5, 7, 9-11, 13-15 and 17-21 were examined. Claims 15 and 17 are amended. Claims 3, 9, and 18-21 are canceled. Claims 1, 3-5, 7, 10-11, 13-15 and 17 remain in the Application.

The Patent Office objects to the sequence listing. The Patent Office rejects claims 13 and 14 under 35 U.S.C. §101. The Patent Office rejects claims 1, 4, 7, 10, 15 and 18-21 under 35 U.S.C. §102(e). The Patent Office rejects claims 3, 9 and 17 under 35 U.S.C. §112, first paragraph. The Patent Office rejects claims 15 and 17 under 35 U.S.C. §112, second paragraph. Finally, the Patent Office objects to claims 5, 11, 13, 14, 18 and 20. Reconsideration of the claims is requested in view of the above amendments and the following remarks.

A. Sequence Rules

The Patent Office states that the application fails to fully comply with the sequence rules because there is a discrepancy between the SEQ ID Nos. in the figures and the SEQ ID Nos. in the paper copy of the sequence listing. Sequences AM, GI, SY, JM, SH and HE respectfully filed as Sequence ID Nos. 1 to 6 are identical with those shown in Figures 5A to 5H and no addition or deletion of a nucleotide is contained in the filed sequence listing. Lengths of sequences of AM, GI, JM and HE described in original Figure 5H contain typographical errors and the length information of the sequence listing is correct as the number of nucleotide of each gene described in Figures 5A to 5H. To clarify, Applicants respectfully request entry of an amended Figure 5H. Applicants respectfully request that the Patent Office withdraw the objection to the application based on compliance with the sequence rules.

B. 35 U.S.C. §101: Rejection of Claims 13 & 14

The Patent Office rejects claims 13 and 14 under 35 U.S.C. §101. Claims 13 and 14 are canceled rendering the rejection moot.

C. 35 U.S.C. §102(e): Rejection of Claims 1, 4, 7, 10, 15 & 18-21

The Patent Office rejects claims 1, 4, 7, 10, 15, and 18-21 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,965,138 issued to Cochran et al. (Cochran).

Cochran describes a recombinant chimeric virus and uses thereof. Cochran also teaches a HCMV promoter, an avian cell, and a method for expressing foreign DNA. However, Cochran does not teach or suggest a new avian cell, QT-VC, that is effective in foreign DNA expression.

The pending claims as amended are each describe a QT-VC cell or use of a QT-VC cell. Because Cochran fails to describe a QT-VC cell, the pending claims are not anticipated by Cochran. Applicants respectfully request that the Patent Office withdraw the rejection to claims 1, 4, 7, 10, 15, and 18-21 under 35 U.S.C. §102(e).

D. 35 U.S.C. §112, first paragraph: Rejection of Claims 3, 9 & 17

The Patent Office rejects claims 3, 9, and 17 under 35 U.S.C. §112, first paragraph on the basis that the cell line QT-VC may not be available.

Cell line QT-VC is readily available to the public since it can be obtained from QT35-N4D4 deposited as accession number of KCTC 0277BP in international depository authority, Korea Research Institute of Bioscience and Biotechnology Korean Collection for Type Cultures under the Budapest treaty. The QT35-N4D4 is generated by transfecting EPO expression vector into QT-VC cell so that QT-VC can be generated from the QT35-N4D4. See Application at page 22, line 9 through page 23, line 7. The Application describes that a source of QT-VC is cell of KCTC 0277BP in Table 1 of the original specification (see page 8), and QT-VC is deposited at the international depository authority (see page 3, lines 6-12). Applicants enclose herewith a copy of the receipt of the original deposit.

Applicants respectfully request the Patent Office withdraw the rejection to claims 3, 9 and 17.

E. 35 U.S.C. §112, Second Paragraph: Rejection of Claims 15- & 17

The Patent Office rejects claims 15 and 17 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 15 and 17 are amended herein. Applicants respectfully request that the Patent Office withdraw the rejection under 35 U.S.C. §112, second paragraph.

F. Objection to Claims 5, 11, 13, 14, 18 & 20

The Patent Office objects to claims 5, 11, 13, 14, 18 and 20. Claims 13, 14, 18 and 20 are canceled. Claims 5 and 11 are objected to as dependent on the rejected base claim. Applicants believe the arguments presented above overcome the rejection of the respective base claims. Applicants respectfully request that the Patent Office withdraw the objection to claims 5 and 11.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,
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